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QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL

Report of the Secretary-General

Addendum

CONTENTS

Page

REPLIES RECEIVED FROM MEMBER STATES

Austria 2

Belize 3

Ghana 5

Mongolia 8

Romania 9

AUSTRIA

[Original: English]

[20 September 1993]

1. Since the end of the cold war the importance of the Security Council for the maintenance of world peace has increased significantly. As a non-permanent member of the Security Council during 1991 and 1992, Austria has experienced the new cooperative spirit of international relations, which has enabled the Council to play a crucial role commensurate with the functions and powers conferred to it by the Charter of the United Nations.

2. Owing to the augmented importance of the Security Council, its effectiveness is of the highest significance for the maintenance of international peace and security. That is why the Government of Austria is of the opinion that a thorough discussion of the question of equitable representation on and increase in the membership of the Security Council is necessary before decisions are taken. In order to preserve the efficiency of the Council, any enlargement should be limited to a small number of additional permanent and non-permanent members. If new members are chosen, the existing ratio of permanent and non-permanent members as foreseen in Article 23 of the Charter should be preserved.

3. The choice of further permanent members of the Security Council should take into consideration their political, military and financial contributions to the maintenance of peace and international security.

4. The number of problems the Security Council has been confronted with has dramatically increased during the last years. At the same time, more and more Member States of the United Nations are contributing military forces to peace-keeping operations. There seems to be a clear need to involve such contributing States in the decision-making process of the Security Council. In the light of Article 29 of the Charter, one possible approach might be the establishment of subsidiary organs to monitor the development of the most important peace-keeping operations. Troop-contributing States could, if they so desire, be represented in such organs. As the Security Council has entitled a number of peace-keeping operations to use force in accordance with Chapter VII of the Charter, such an involvement of troop-contributing countries in the preparation of the decision-making of the Security Council would, to some extent, also meet the requirements of Article 44 of the Charter.

5. In order to improve the effectiveness of its work, the Security Council should also try to consult more actively on specific conflicts with concerned States which are not members of the Security Council.

BELIZE

[Original: English]

[14 September 1993]

1. We are gratified that the question of equitable representation on and increase in the membership of the Security Council has now become a priority item on the agenda of the General Assembly. We are confident that, in the prevailing spirit of improvement, the Organization will definitively conclude this exercise in time for the fiftieth anniversary of the establishment of the Organization.

2. In our view, General Assembly resolution 47/62 of 11 December 1992 states as the twin objectives of the review: (a) further democratization of representation and of allocation of responsibilities within the Council; and (b) the need to increase membership.

3. Equitable representation in the sense of democratization is qualitatively different from equitable geographical representation, one of the selection criteria specified in Article 23 of the Charter. Presumably, it includes, inter alia, such factors as:

(a) The willingness of members to shoulder financial and other responsibilities inherent in activities pursuant to the Council's mandate and in the fall-out from fractured peace and security;

(b) The geographical and, especially, strategic location of members, e.g. near certain sea lanes;

(c) The members' reputation for judiciousness, in view of the Council's substantive adjudicative role;

(d) The need to have represented "the main forms of civilization and the principal legal system of the world", in the words of Article 9 of the Statute of the International Court of Justice;

(e) The size of the population of members and the need to ensure that the democratic ideals of the architects of the United Nations will now bear fruit by ensuring that due weight is given to the most populous, as well as to the least populous, nations.

4. As noted above, resolution 47/62 has as its second objective the need to increase the Council's membership. However, the membership must not be so large as to impair functional flexibility.

5. It is assumed that the above-mentioned twin criteria in resolution 47/62 will be reiterated in any revision of Article 23. These criteria should be applicable, without restriction, both to permanent and non-permanent members. In other words, if a permanent member ceases to satisfy the criteria, it would be expected to step aside.

6. There would also be retained in Article 23 the existing non-exclusive criteria applicable to the selection of non-permanent members ("due regard being specially paid") of contribution of aspirant Council members "to the maintenance of international peace and security and to the other purposes of the Organization and also to equitable geographical distribution". These non-exclusive criteria should continue to be realistically and flexibly applied in a manner which fully acknowledges the organic and evolutive development of the Organization, as exemplified by the tremendous normative and doctrinal developments of the purposes of the United Nations stated in the Charter, particularly in Article 2, namely:

(a) Equal rights and self-determination of peoples;

(b) Disarmament, including denuclearization;

(c) Obligatory international cooperation in the economic, social, cultural, humanitarian and ecospheric fields;

(d) Human rights and fundamental freedoms in the aforementioned fields.

7. One of these non-exclusive Article 23 criteria must now be regarded as transcendent. It is the criterion of equitable geographical distribution. As already intimated in Chapter VIII of the Charter, this comprehends coordination by regional organizations with the efforts of the Council at pacific settlement and enforcement. Such organizations must now be brought into the formal structure of Article 23.

8. In the light of the aforementioned considerations, we propose that Article 23 be amended as follows:

(a) The total membership of the Council should be 20 States;

(b) The clause naming specific permanent members in the existing text should be replaced by one limiting the number of permanent members to eight or nine and specifying the following categories of members:

(i) Those with populations in excess of 800 million. For the present, these would be China and India;

(ii) Those with populations in excess of 100 million, each of which contributes at least 6.5 per cent of the budget of the United Nations. At present, Japan, the Russian Federation and the United States of America would qualify;

(iii) Composite members: any two adjacent countries with a combined population of over 100 million and a combined contribution to the budget of at least 8.5 per cent would be eligible to be elected to two-year renewable terms. They would rotate a single vote and veto power, probably at quarterly intervals. Possible combinations are France and Great Britain and Germany and one of its neighbours. "Adjacent" would include trans-ocean adjacency, e.g. Brazil and Nigeria. The maximum number of composite permanent members would be limited to, perhaps, three;

(iv) Any State which is currently a permanent member and is not qualified pursuant to categories 1 to 3 above would retain its status for a brief period after the entry into force of the amendment;

(c) No permanent member would be at liberty to veto a decision concerning a matter in which the remaining permanent members unanimously consider that it has a personal interest;

(d) There would be two groups of non-permanent members:

(i) Five regional members representing Africa, Asia, Europe, Latin America and the Caribbean and the Pacific. Each member, which would serve for two years, would be selected respectively by the States of the region. Permanent members would be excluded from each regional group and its selection process;

(ii) Seven or eight members, each serving for two years.

GHANA

[Original: English]

[9 September 1993]

1. Since its independence in 1957, Ghana has demonstrated its faith in and commitment to the United Nations as the last viable hope of mankind for the prevention of a major war that has twice in the century brought to it untold misery and suffering. Successive Governments of Ghana have not hesitated to discharge their obligations, financial, political, military and otherwise, to the Organization in its efforts to achieve the purposes it has set itself in the Charter.

2. The Charter of the United Nations expresses the determination of Member States to act collectively or individually to maintain international peace and security. Understandably, the Charter was conceived as a multilateral collective agreement by the victorious allied forces during the Second World War to forestall the recurrence of a world war. The need for prompt and effective action to nip in the bud any aggression or threat to international peace and security must have been a paramount consideration when, under Article 24, Members or the Organization conferred on the Security Council primary responsibility for the maintenance of international peace and security. Any appreciation of the composition of the Security Council should therefore necessarily take account of the size that would promote efficient decision-making.

3. Another factor that might have weighed heavily in the composition of the Security Council was the need to back up efficiency in decision-making not only with credibility to act but also effectiveness of action. The five major allied forces that possessed military might and economic strength had to shoulder a primary and enormous burden. The Charter, as evidenced in Article 53, conceived the defeated States as the enemy States against whose potential aggression the victorious allies had collectively to act.

4. The membership of those five in the Council was therefore crucial to its viability. In order to promote consensus agreement among the five major victorious allies and also probably to discourage and forestall any military confrontation among them, Article 27 of the Charter stipulated a prerequisite of an affirmative vote of all the five permanent members for any decision of the Security Council in a non-procedural matter - the so-called veto power.

5. The onset of the cold war drastically changed the international political equation on the basis of which the Charter had been drawn. The veto power was used to paralyse the Council on the basis of ideological considerations. Within this period, the enemy States in the meaning of Article 107 became ideologically aligned and finally acquired membership in the United Nations under the relevant provisions of the Charter, notably Article 4 under which they were perceived as peace-loving States which accepted membership obligations and were judged by the Organization as able and willing to carry out these obligations.

6. The end of the cold war and the obliteration of the distinction between an allied State and an enemy State have created an opportunity for the international community to promote the achievement of the purposes of the principles of the Charter.

7. The Government of Ghana believes that the effectiveness and efficiency of the Security Council would be better enhanced through reforms that promote a general feeling of involvement or participation by all Member States.

Composition

8. It may be recalled that the need to reflect equitable geographical and cultural representation on the Security Council was recognized early, when in 1946, on the basis of a "gentlemen's agreement", the six non-permanent members of the Council were composed as follows: two from Latin America, one from Western Europe, one from the Commonwealth, one from Eastern Europe and one from the Middle East. The increase in the number of non-permanent members from 6 to 10 by virtue of resolution 1991 A (XVIII) of 17 December 1963 was a further affirmation of the need for equitable geographical representation.

9. The membership strength of the United Nations now stands at 184 as against 51 in 1945 and 162 in 1963. There is a self-evident need for a further expansion of the composition of the Security Council to allow for a broader and more representative participation. The expansion should, however, be limited by the need for prompt and effective action as required under Article 24 of the Charter.

Permanent membership

10. The Government of Ghana believes that permanent membership in the Council of the five major victorious allies was well founded and has served a useful purpose. It is recognized that now that there are no allied forces or enemy States in the meaning of Article 53, continued permanent membership in the Council is irrelevant, outdated and probably undemocratic. The Government of Ghana sees merit, however, in allowing the present beneficiaries to continue to enjoy the status of permanent members. The number of permanent members should,

however, be increased to foster a sense of equality and also promote equitable representation and global balance in what has become the most vital organ of the United Nations.

Decision-making

11. Under Article 27, paragraph 3, of the Charter affirmative and concurrent votes of the permanent members of the Council are required for all non-procedural matters. The requirement was understandable and probably necessary in the immediate post-war era when the victorious allies had to avoid military confrontation amongst them in order to concentrate their might against the enemy States. The Government of Ghana believes that the end of the cold war and the admission of the enemy States into the United Nations have nullified the requirement. What is required now is enhanced legitimacy of the decisions of the Council. It is therefore the view of the Government of Ghana that Article 27, paragraph 3, should be reviewed to make more democratic the decision-making process of the Council.

Transparency

12. It is obvious that the requirement of the Charter of prompt and effective action by the Security Council would counsel against opening up the Council for universal participation in its decision-making process by all Member States at the same time. While it is recognized that the recourse to informal consultations has helped considerably to minimize the application of Article 27, paragraph 3, it has deprived non-members of the Council of the opportunity to participate in essential discussions/debate prior to decision-taking. The present manner of announcing Council meetings also makes it difficult for non-members to cover the meetings.

13. Against this background, the Government of Ghana wishes to offer the following proposals for the consideration of the Organization:

(a) The membership of the Council should be increased from 15 to 25. Five of these will be the present permanent members while the remaining 20 will be composed as follows: Africa (6), Asia (5), Latin America and the Caribbean (4), Western Europe (3) and Eastern Europe (2);

(b) The application of Article 27, paragraph 3, should be limited to action under Chapter VII of the Charter;

(c) By virtue of their economic might and their ability to assume increased obligation, Germany and Japan should become permanent members against seats allocated to their geographical groups;

(d) Africa should be granted two permanent seats against the six seats;

(e) Latin America and the Caribbean should be allocated one permanent seat against the four seats;

(f) Asia, which already will have had China and Japan as permanent members, should be allocated an additional permanent seat against the five allocated to them;

(g) The details of the agenda items for discussion in the Security Council should be published in the Journal of the United Nations as is done with the General Assembly;

(h) The reports of the Security Council to the General Assembly, in compliance with Article 24, paragraph 3, should be more comprehensive and analytical to enable the General Assembly to discharge its duties under Article 11 of the Charter.

14. The Government of Ghana hopes that the United Nations will seize this opportunity of democratization to reform the Security Council in such a way as to enhance its effectiveness and efficiency through increased legitimization, not only of its composition, but also its decision-making process and transparency.

MONGOLIA

[Original: English]

[30 August 1993]

1. The Government of Mongolia welcomed consensus resolution 47/62 of the General Assembly as a clear indication of the willingness of the community of nations to make the Security Council more reflective of the fundamental changes in the post-cold-war era, as well as of the dramatic increase in the membership of the world Organization. Any reform, to be effective, must enjoy the support of all Member States and be in conformity with the Charter of the United Nations.

2. The underlying motive of the whole exercise should be to enhance the effectiveness and efficiency of the work of the Council. A commensurate increase in its membership, taking due account of the overall changes in the fabric of international relations and of the need to ensure equitable and balanced representation, would greatly strengthen the legitimacy of the Council, which, under the Charter of the United Nations, acts on behalf of all the Members of the United Nations.

3. Mongolia favours a limited enlargement of the Council in both its permanent and non-permanent membership. This may, on the one hand, be explained by the emergence of new power structures of States with considerable capabilities to contribute to the activities of the Organization. On the other hand, it would be equally important to secure an adequate representation of small- and medium-sized States in the increased membership of the Council, as they represent a majority of the Members of the Organization and share many political, security and developmental concerns unique to them.

4. A more balanced and fair regional representation in the Council would, among other things, help enhance its image and credibility.

5. Viewing the right to veto as unavoidable at this time, Mongolia, nonetheless, would not be supportive of extending that right to other would-be permanent members. Moreover, the idea of limiting the scope of veto

application, as well as a requirement that, for a veto to become effective, it should be exercised by at least two permanent members, should be given careful consideration.

6. The effectiveness of the Security Council could be significantly enhanced by introducing new elements in its work such as broader and substantial consultations with the rest of the membership, in particular with the States and regional organizations directly interested in the issue under consideration, transparency in its work, and an effective working relationship with the General Assembly.

7. Although complex and highly sensitive, the discussions on this important issue should not take too long. The fiftieth anniversary of the United Nations may be an opportune moment to arrive at a solution agreeable to all.

ROMANIA

[Original: English]

[17 September 1993]

1. The Government of Romania favours the efforts aimed at revitalizing and enhancing the efficiency of the United Nations and its main organs, bearing in mind that the Charter of the United Nations continues to offer considerable potential to develop and to adapt the Organization to the changed international situation.

2. Ensuring efficient functioning of the Security Council, as a collegiate body primarily responsible for the maintenance of international peace and security, is a matter of high priority. Any debate or proposal, in this context, including those referring to an increase in the membership of the Council, are to be related to this basic requirement. Any change should ensure the most favourable conditions for the discharging by the Security Council of its responsibilities under the Charter of the United Nations in terms of maximum efficiency.

3. Romania shares the generally accepted opinion that the changes that have taken place in the international arena in the last few years, as well as the increase in the membership of the United Nations, are important elements of the debate on equitable representation on and increase in the membership of the Security Council. However, changing the Council's membership is not an end in itself. It is supposed to meet the need to enhance its decision-making and capacity for taking timely action for the maintenance of international peace and security. To this effect, in order to ensure an appropriate balance between the regional and individual aspirations for adequate representation, on the one hand, and the need for efficiency and prompt reactions of the Council, on the other hand, Romania deems desirable a moderate increase in the membership of the Security Council.

4. Taking into consideration their potential role in and contributions to the United Nations activities and their possibilities for undertaking specific responsibilities in maintaining international peace and security, Romania

supports the candidatures of Germany and Japan for permanent seats in the Security Council.

5. At the same time, while considering the distribution of seats in the Council, an equitable representation has to take into account all regional groups recognized in the General Assembly. In this context, the aspirations and interests of medium-sized countries with a recognized role in their respective regions are to be taken into account. Therefore, Romania favours the idea of an additional seat being granted for every regional group, including for countries of Central and Eastern Europe.

6. Consultations and debates on such an important topic have to be complemented with practical measures of an organizational and procedural nature, such as the establishment of subsidiary bodies of the Security Council, in accordance with Article 29 of the Charter, and the cooperation of the Council with the General Assembly and regional organizations.

7. In the general framework of a possible review of the composition of the Security Council, the Government of Romania believes it appropriate to remove from the Charter of the United Nations the obsolete "enemy States" clauses contained in Articles 53 and 107. To this effect, the procedure provided for in Article 108 of the Charter is to be followed.

8. Romania will continue to pay special attention to the exchange of views and debates on representation in the Security Council and on increasing its efficiency. The Government of Romania is ready to make its own positive contribution to this process. In its opinion, any review of and possible changes in the membership of the Security Council are to be placed in the general context of renewing and revitalizing the United Nations on the basis of a broad consensus and universal acceptance by Member States stemming from a careful, responsible and constructive process of consideration.